

ORDINANCE NO. 2008-07

AN ORDINANCE, providing for group event permits for use of the Wenatchee Reclamation District bridge over the Columbia River, application procedures and policies, and establishing a penalty for violations thereof.

WHEREAS, the City of Wenatchee is authorized to use the Wenatchee Reclamation District's bridge over the Columbia River by way of a License Agreement dated September 13, 1984.

WHEREAS, a preliminary structural analysis of the bridge prepared by Nichols Engineering dated September 2007 recommended, among other things, that the pedestrian load be limited to 21 pounds per square foot or 220 pounds per lineal foot, and that events that would gather large groups of people on the bridge (including walkers, runners, bicyclists, etc.) should be strictly controlled.

WHEREAS, the City of Wenatchee wishes to implement a permit requirement for group events on the bridge to conform use of the bridge to the recommended restrictions set forth in the Nichols Engineering analysis.

WHEREAS, the City Council finds that this ordinance should take effect immediately consistent with RCW 35A.11.090 to preserve the public peace, health and safety.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF WENATCHEE DO ORDAIN as follows:

SECTION I – Definitions

Group Event: "Group Event" means any organized event with ten (10) or more participants that will utilize as part of the event the Wenatchee Reclamation District bridge over the Columbia River.

SECTION II – Bridge Permit Required

No person shall conduct a group event over or upon the Wenatchee Reclamation District bridge over the Columbia River, or knowingly participate in any such group event, unless or until a permit to conduct such group event has been obtained from the Mayor of the City of Wenatchee.

SECTION III – Permit Application Fee

A fee of Fifty Dollars (\$50.00) shall be submitted with the application for the group event permit. The permit application fee is non-refundable.

SECTION IV – Application for Permit

Any person who organizes and conducts a group event on the Wenatchee Reclamation District bridge over the Columbia River shall first apply to the Mayor of the City of Wenatchee for a permit at least thirty (30) days in advance of the date of the proposed event. The Mayor of the City of Wenatchee may, in his/her discretion, consider any application for a permit to conduct a group event which is filed less than thirty (30) days such group event is to be conducted, provided said time limit shall be waived by the Mayor only in the event of an unexpected occasion. The application for such permit shall be made in writing on a form approved by the Mayor of the City of Wenatchee. The application shall contain the following information:

- a. The name of the applicant, the sponsoring organization, and the name, address and telephone number of the contact person for the applicant.
- b. The purpose of the group event, the date and time when it is proposed to be conducted, the location of the assembly area, the number of

anticipated participants, the location of the disbanding area, and the proposed route to be traveled.

c. A participant control plan which limits the pedestrian load to 21 pounds per square foot or 220 pounds per lineal foot, and specifies the following:

(i) The number of participants anticipated to be on the bridge at any one time.

(ii) The minimum intervals of space to be maintained between each participant; and

(iii) The method, manner and means of controlling the maximum number of participants on the bridge and the minimum intervals of space between each participant while crossing the bridge.

d. Such other information as the Mayor of the City of Wenatchee may deem reasonably necessary.

e. An indemnification and hold harmless agreement that reads substantially as follows: "The undersigned applicant represents that he/she is authorized to act on behalf of the sponsor/organizer of the group event for which this permit is requested, and on behalf of the sponsor/organizer agrees that the sponsor/organizer shall indemnify, defend and hold harmless the City, its officers and employees from any and all claims, losses, damages, demands, suits, and attorneys fees of any kind on account of injury to persons and property arising out of or in connection with the event for which this permit application is submitted."

SECTION V – Issuance or Denial of Permit

A. Standards for Issuance: The Mayor of the City of Wenatchee shall issue a group event permit conditioned upon the applicant's written agreement to comply with the terms of such permit, unless the Mayor finds that:

1. The participant control plan is not approved by the Department of Public Works.
2. Such event will interfere with another event for which a group event permit has previously been issued or requested.
3. The purpose of such event is not otherwise lawful.
4. The primary purpose of the group event is devoted to the advertising of a commercial product or for a private commercial purpose.
5. The information contained in the application is found to be false, nonexistent, or incomplete to any material degree.

SECTION VI – Contents of Permit

In each permit the Mayor of the City of Wenatchee shall specify:

- a. The starting time.
- b. The maximum number of participants allowed on the Wenatchee Reclamation District bridge at any one time.
- c. The minimum intervals of space to be maintained between participants while on the Wenatchee Reclamation District bridge.
- d. The number of persons required to monitor compliance with the participant control plan during the group event.

e. That the permittee shall advise the participants in the group event of the terms and conditions of the permit prior to the commencement of such group event.

f. Such other requirements as are found by the Mayor to be reasonably necessary for the protection of persons or property.

SECTION VII – Insurance Required

The Mayor of the City of Wenatchee shall not issue a permit authorizing a group event on the Wenatchee Reclamation District bridge unless the applicant obtains liability insurance in the amount of One Million Dollars (\$1,000,000) per occurrence and in the aggregate. A certificate of insurance shall be filed with the Mayor and shall name the City of Wenatchee as an additional insured.

SECTION VIII – Appeal Procedure

Upon a denial by the Mayor of the City of Wenatchee of an application made pursuant to this ordinance, the applicant may appeal from the determination of the Mayor within five (5) days thereafter to the City Council of the City of Wenatchee by filing a written notice of appeal for hearing by the City Council at its next regular meeting. Upon such appeal, the City Council may reverse, affirm or modify in any regard the determination of the Mayor.

SECTION IX – Officials to be Notified

Immediately upon the granting of a group event permit for use of the Wenatchee Reclamation District bridge, the Mayor of the City of Wenatchee shall send a copy thereof to the following:

- a. The Fire Chief;
- b. The Chief of Police; and

c. The Director of Public Works.

SECTION X – Revocation of Permit

Any permit for a group event may be summarily revoked by the Mayor of the City of Wenatchee at any time when, by reason of disaster, public calamity, riot or other emergency, the Mayor determines that the safety of the public or property requires such revocation. Notice of such action revoking a permit shall be delivered, in writing, to the permittee by personal service or certified mail at the address specified by the permittee in its application.

SECTION XI – Penalty

A violation of this ordinance shall constitute a civil infraction punishable by a civil penalty not to exceed Five Hundred Dollars (\$500.00).

SECTION XII

This Ordinance shall be codified at Wenatchee City Code Chapter 8.66.


SECTION XIII

This Ordinance shall take effect immediately upon passage and publication as provided by law.

PASSED UNANIMOUSLY BY THE CITY COUNCIL OF THE CITY

WENATCHEE, at a regular meeting thereof, this 13 day of March, 2008.

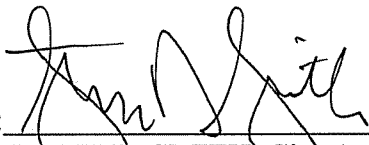
CITY OF WENATCHEE

By: 
DENNIS JOHNSON, Mayor

ATTEST/AUTHENTICATION:

By: 
VICKI REISTER, City Clerk

APPROVED:

By: 
STEVE D. SMITH, City Attorney